

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

June 23, 2010

Chairman David Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Hall
Commissioner Pane
Chairman Pruet
Commissioner Aieta
Commissioner Carragher
Commissioner Lenares

Commissioners Absent

Commissioner Casasanta
Commissioner Schatz

Staff Present

Ed Meehan, Town Planner

Commissioner Carragher was seated for Commissioner Casasanta and Commissioner Aieta seated for Commissioner Schatz.

II. PUBLIC HEARINGS

- A. PETITION 13-10 – Zoning Regulations Amendment, Section 3.11 Special Exception Permitted in B Business Zone and Section 3.19 Special Exceptions Permitted in PD Planned Development zones to permit “auto related uses such as, sale, service, rental and repair of motor vehicles by Special Exception subject to compliance with Section 6.11 of these regulations” Wex-Tuck Realty, LLC applicant represented by Attorney Vincent F. Sabatini, 1 Market Square, Newington, CT 06111. Referral to Capital Region Council of Government and Central Connecticut Regional Planning Agency required.**

Attorney Sabatini: Good evening Mr. Chairman, Members of the Commission. My name is Vincent Sabatini, Attorney, One Market Square, Newington, Connecticut. I'm here tonight representing Wex-Tuck Realty, the owner of the parcel in question, also representing Bismark Properties, the potential developer of this site. With me tonight is James Kinnear, who represents Bismark, and also Mike D'Onofrio from Firestone. I'd like to hand this out first, and then I'm going to make some comments about these things. I have a copy for everyone.

Some time ago, in 2007 former Commission members took action on what was formerly known as 3-11 of the regulations. That was the regulation that allowed auto related uses in

the B-Zone and subsequently in all other commercial zones, including the PD Zone. When they did that, Section 3.11 was always connected to Section 6.11 and 5.2. 6.11 is the section that deals with the sale, rental, service, storage of motor vehicles. 5.2 is the section that deals generally with special exceptions. When the Commission changed 3.11, it did not change 6.11, so when I went to investigate this on behalf of the client, we determined that there seemed to be like an anomaly in the regulations, because 3.11 was not there, 6.11 is present and that is the first part of the handout. If you read the regulation, it says, the Commission may grant a special permit for the sale, rental, service, or storage of motor vehicles subject to the following conditions and provisions of Section 5.2. So, this became a little confusing to us, because although technically the language saying a use is permitted wasn't there, when you read the regulation, it does seem to imply that the auto related use is in fact there. So we had a meeting with Ed and Ed seemed to think that the use was no longer allowed, and we talked to the client, and the client said, well, let's try to see what we can do. So, we're not doing this, Wex-Tuck, which owns this property which was a former site owned by the State of Connecticut and the site abuts to the north the Citibank site, where the old Citibank was, the former Krispy Kreme site. You can see that on the second, third page of the handout. The aerial shot of the area in question, and what we are looking at is this parcel of land which is just a little bit north of the Citibank site. That was a piece of land, about .95 acres of land which the State of Connecticut had as an excess piece after it developed the DOT across the street and used the site on this side of the street for drainage. Wex-Tuck bought the site. So the site is sort of limited as to what can go there. We are here tonight not asking for a zone amendment just for the sake of asking for an amendment. We actually have an agenda and an objective and that is the way that I would like to present it to the Commission members so that you can decide how you want to treat this. The client I have is Firestone Tire and Firestone Tire is a nation wide company, a reputable company, and I have attached a proposed conceptual site plan and also a conceptual rendering of what their building is going to look like. They have an agreement with Wex-Tuck to buy this property, and what they want to do is propose to build a service oriented business. It's related to autos because they are basically selling tires and are going to be doing oil changes. This is going to be, I think a substantial development for the town. It's going to employ about twenty people, it's going to bring in thirty to forty thousand dollars a year in revenue, it's a use for this particular site which I think is limited in what you can do with the site because of its size. This is in a Planned Development zone. You can't really do too much with it, so I think it fits in the area and the orientation of the use is really a retail/service type of use.

Now I understand that you are undergoing the Plan of Conservation and Development. I understand one of the things that you have to consider when you are doing an amendment or a change in zone is what the Plan of Conservation and Development says. I understand that the Plan, going back to 1995, and even the present language, even though you haven't confirmed it yet, talks about discouraging auto related uses. The Plan also talks about and I'm quoting here under Business Development that you want to develop a range of uses that insure adequate supply of land for commercial and industrial purposes, you want to encourage the development of a wide range of retail business services and industrial sector land uses which will strengthen and broaden Newington's tax base and employment opportunities, I'm reading from page 37 of the Plan of Conservation and Development. Also, in your vision statement, you indicate that you want to encourage vibrant economically feasible development in the town, so I think the question is, really, what type of, there are, as you know many types of auto related uses, maybe some are acceptable, maybe some are not, and certainly, I'm not married to the language that I proposed. I basically took this language from the regulation that existed in the town, from I think since whenever zoning regulations were drafted, but if there are auto related type uses that the Commission thinks shouldn't belong on the turnpike, or anywhere else in town, body shops, auto dealers, used car dealers, thing of that nature, you can certainly amend this language to narrow the types of

uses that you would want, but I would think another consideration that the Commission has to make is by eliminating the use itself, what do you do with the number of good businesses that exist currently on the turnpike and elsewhere? Like Town Fair Tire, Goodyear, Turnpike Motors. These people technically now are non-conforming users, so technically if they have a fire there, if they wanted to expand, they really couldn't, they would have to get a variance because now you don't have an actual use, so I think those things have to be considered by the Commission members and again, I didn't want to come in here in the abstract and say oh, I want auto related uses, I wanted to really tie it in to what my client wants to do and I can assure you that if this thing is adopted they will file an application for a site plan and special exception immediately, and I also think that under your 6.11 if you look at 6.11, you have built in a tremendous number of controls that would allow you to determine whether or not a business fits a certain, particular parcel in a certain particular area. You have to be so many feet away from a street line, you have to be so many feet away from, entrances and exits have to be at least a hundred feet away from a church, a school, a playground, hospital or residence. You can't display, sell or store vehicles in the front yard, I mean, it goes on and on, so it's not as if you don't have controls, so just by allowing the use doesn't mean to say that every use can go any where in the entire town, because it can't.

So, what I'm saying to you is that I think you have a choice to make. You have a responsible developer who is going to add a lot to the town, who is going to bring a lot of good to the town, and develop a piece of land that is probably otherwise undevelopable. This land again is not a large piece of land, so it is limited as to what can be done, so I think this is a great opportunity for the town to reexamine where it is, and to see if, in these economic times, you know, we're not like the early 2000 where everybody was trying to develop on the Berlin Turnpike. Now you have one developer here maybe or maybe not, but again, this is a good company and I think would be a great asset to the town. I'd be happy to answer any questions that anyone might have.

Chairman Pruet: Okay. Staff comments, Ed?

Ed Meehan: Thank you. The Commission is obligated to vote on the petition that was submitted by the applicant before you tonight, and I don't believe that you have the latitude to change that during the public hearing process or change it by inserting your own language. I think the applicant has stated what he wants to put in the regulations, restoring auto related uses to Section 3.11 and that is what should be voted up or down by the Commission. I would also encourage you not to get entangled with the idea of a specific site for this auto related use. It's not appropriate or germane to the issue. The issue is a policy decision of restoring auto related uses back into the regulations that is going to affect the whole town. It's going to affect the local business zone, it's going to affect the Berlin Turnpike zone, it's going to affect the Planned Development zone. Auto related uses are already permitted by special exception in the Industrial zones and that was left there by the Commission back in 2007 with the discussion that that is where they wanted to direct those uses. Section 6.11 was left in the regulations and those situations where a non-conforming use, a legal non-conforming use was going to expand or would have to be rebuilt after a fire or something, they needed to have Section 6.11 in the regulations because that is where the design standards and the controls rest. They couldn't take those out of the regulations and leave everything up in the air. That is the reason for 6.11. I would also say that there are numerous auto related uses in Newington right now. We discussed this back in 2007. The town of Newington, in fifteen square miles is probably over 55 or 60 different type of auto related uses. They range from gas stations to body shops to specialty mechanics that are in various parts of the town, so that was a consideration of the Commission. Also, you should recall that the Plan that you just adopted talks about the focus of the Berlin Turnpike as a regional commercial center, retail uses, not auto related uses, it says auto related uses should be discouraged on the Berlin Turnpike. That is the same language that you had in the

'95-2005 Plan so that was the policy direction that the Commission set almost fifteen years ago. So I think with those remarks you should really think about what this does as tempting as it may be to think about a specific site, that is not appropriate. Once you put this back in your regulations, you are opening up quite a bit of geography. There are a couple of locations right now that I should mention that are grandfathered but not improved to develop, there is a parcel across the street from Yanni's which was approved and the application has not been brought in to develop that site, there's Hunter's Development gas station site, up on the top of East Cedar Street. There are two or three vacant auto related uses in town, from Crest Pontiac to Jiffy Lube to a gas station up on Fenn Road, so I believe that the Commission found in 2007 after discussing this, that the residents were well served with various auto related uses. Thank you.

Chairman Pruet: Commissioner comments?

Commissioner Pane: Do you think Mr. Chairman for the next meeting or before the next meeting, we could get the minutes of was it 2007 when they took this out of the regulations so that, I think it would be important for the Commissioners to read the minutes so that we could see where they were coming from and some of the things that they talked about, so that we could come to an intelligent decision as to whether or not we need to adjust these regulations or leave them the way that they are.

Chairman Pruet: Okay.

Commissioner Pane: Thank you.

Chairman Pruet: Further comments from Commissioners?
Attorney Sabatini, if you want to address it?

Attorney Sabatini: Well, you know that Ed said that since 1995 there has been language in there about this type of use, but that never stopped the town from approving things like Town Fair Tire and Goodyear and other uses and again, I think the way that the regulations are now stated that you leave some very good uses in jeopardy and again, having this use back into the regulations doesn't mean that anybody can do anything any place. They have to have certain criteria that has to be met and the criteria is established in your special exception regulations and in Section 6.11. I think that, I didn't want to come in and just say, well, and leave the question open, why come in with this use, I think it could be considered for the end user that I have in mind. If you want to keep the hearing open so that we could look at the minutes next time, I don't have a problem with that.

Chairman Pruet: Okay, why don't you have a seat and we're going to ask the public to comment. Is there anyone from the public wishing to speak for this petition? Anybody from the public wishing to speak against this petition? Okay. We'll keep this petition open for additional comments as our Vice-Chairman requested and also we can study this further.

B. PETITION 14-10 Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Zone Map Amendment R-12 to B-TC Business Town Center.

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff. For the record, my name is Alan Bongiovanni, president of the Bongiovanni Group, 170 Pane Road, representing Reno Properties in the application before you. Before I start my presentation we

have a companion site plan application, should I limit the first part of the hearing to the public section to just the zone change issue, and we'll talk about the architecture and the other components later?

Ed Meehan: I think you should just do the zone change, it's a policy decision.

Alan Bongiovanni: If you recall, we were before the Commission with this project a few months ago. During the public hearing process there was some opposition from the neighbors, there were a lot of comments from the Commissioners, and we felt at that time that it was appropriate to withdraw the application because we didn't believe that we had the best components for the project together to be successful. Since that time, we've spent considerable effort with the neighbors. We, Reno Properties at the town library offered a public forum to discuss the project and concerns that they might have. There were a handful of neighbors that showed up, they had some concerns, we took those concerns to heart and I think we made some adjustments and subsequently have met with a couple of the neighbors to address their concerns and I think we have changed some minds. I think you will find through the other part of the hearing this evening that most if not all of the concerns of the Commission regarding site plan, architecture, building design, conformity with town plan standards, have been met and I think met very successfully. Having said that, what we are asking is that we, or this Commission allow parcel 16-647 or about five eighths of an acre of land south of 1268 Main Street and north of 1310 Main Street to be changed from the R-12 Zone to the Business Town Center Zone. The difference between this application and the previous application is we're proposing to take fifteen feet of this lot and deed it to the neighbor at 1310, Mr. Stuzinski to help enhance his buffer. When we get into the site plan, we will demonstrate that. Taking that fifteen feet off we can still meet the twenty-five foot buffer between the commercial and residential uses for the site. We have had the privilege of seeing the staff report by Town Planner Ed Meehan, and there's a couple of things that I would like to address in there and in closing I would like to have Lew Wise, Attorney for the applicant discuss a couple of issues. Before I go into that, is it appropriate at this time to talk about safety and traffic or do you want to do that under the site plan as well.

Chairman Pruet: This is only zone change.

Alan Bongiovanni: The Town Planner talks about specific statutory requirements for zoning amendments, zone map change amendments. He talks about the Commission looking for advice, or look at the town Plan of Conservation and Development for guidance. As we all know, you just adopted the current Plan of Conservation and Development and we believe that there are two components that the Planner points out that address this site, pro or con, and may even be in conflict with each other. One of the sections of the Plan of Conservation and Development talks about, Vision statement, page 2, boundaries should not be expanded into adjacent residential areas. I put this map up here because this is an enlargement from the Newington web site of the official zoning map and showing, I colored this in green, the only change I made to the map. This is the area that we are looking to change.

This property is unique. It is unique in the business town center zone because it is the only property that has to the side, at least one side and the rear, business town center zone property. The neighboring property to the south, Mr. Stuzinski's property, we believe probably should be changed as well, so that the natural water course buffer area, which is part of the Northwood Plaza would become the actual boundary. We respect his right to not want to do that, at this time, so we are asking for just our parcel of property, but in the town center there is no other property that has the same characteristics. For that matter, some of the uses across the street even though they are in the R-12 Zone, they have residential/commercial uses in those properties, a photographer, a dental office, things like that in those properties, so, this is a little bit different than say, a property on Garfield Street,

the zone ends at the back of or the west side of the OFI property now. To the north of that property you have the church, there are small commercial uses and then the cemetery. Hart Lane subdivision to the west, all developed residential around the north side of Cedar Street, East Cedar Street, Center Court, the town property around that, that's an island by itself. The only other place you might potentially expand would be to the north side of East Cedar Street which would be in my opinion, if you picked any of those properties, probably an issue of spot zoning. It's an established residential neighborhood. This is the only area where we see it makes sense to do this. We think the guidance given in the Plan of Conservation and Development has an awful lot of merit. If you look at the detail of this application, we think it is appropriate.

Further on, on the top of page 3, Mr. Meehan highlights from the Plan of Conservation and Development, "Newington will continue to recognize the quality of life in this Community as influenced and enhanced by the non-residential land uses that support the town's grand list. These uses are essential to a vibrant and economically successful community. Changes in zoning districts will be evaluated based on the characteristics of the surrounding area." I think this speaks in favor of this proposal that we have before you, that this is appropriate for this piece of property.

We submitted with this the required A-2 survey that delineates the property, the area of the property to be changed, in the later part of the meeting we will talk about scale, character, compatibility with the neighboring uses, and we are very comfortable that it meets the intention, it meets the town center guidelines, it meets the division for the town center. This is a gateway site, my firm opinion is, as a resident of Newington, that you travel Main Street, State highway, from anywhere in the south, you come off the Berlin Turnpike and travel north, this becomes a gateway site. You have, to the north an older office building and then go right into the commercial properties, as a matter of fact, right here is Industrial property, it's one of the four major gateways to the center. This would be an opportunity to enhance that component to the town center, and we think it appropriate. Having said that, I'm going to introduce Lou Wise and have him make some closing comments and answer any questions about that.

Lou Wise: Thank you Alan. My name is Lou Wise, from the law firm of Rogin and Nassau and I am here on behalf of the applicant also. I just wanted to supplement very quickly what Alan has said about the standards and what you should look to for guidance in determining whether to change the zone boundary as we had applied for. I would disagree mildly I guess with Mr. Meehan's, one of his comments, in his memorandum, because he says that when making a determination on whether to amend the zoning boundaries, you should look at first to any guidelines in the town Plan of Conservation and Development. I take a little bit of exception to that because actually what the courts have said and what Connecticut statutes say is that the first place where you really look is to the town's comprehensive plan. What is the comprehensive plan? It's not the Plan of Conservation and Development, the comprehensive plan, under Connecticut law, is nothing more than the established zoning map, so the first thing you are supposed to look at is, is the proposal consistent with the existing zoning pattern in Newington? What that is all about is, so for example, if we were here tonight asking that a piece of land in the residential zone be rezoned to Industrial, you would look at the map and you would say, well that is not consistent, it is in conflict with the established comprehensive zoning plan of the Town of Newington. Obviously what we are proposing is far different than that, because as Alan explained, there are many reasons why this particular parcel can easily be rezoned to business without doing any violence to the established residential neighborhoods in the surrounding area. It's a logical, very, very minor extension of the established zoning pattern that is in town. In fact in some ways I think that it's not even appropriate, but in some ways, this could almost be regarded as a so called in-fill development, that is, that particular lot is unlikely to ever be developed for residential purposes because as Alan explained, it is bounded on two sides by commercial development

and therefore in some ways, I don't even think it represents an extension of town center. It's something that is almost a natural outgrowth of where it is in relationship to the town center boundaries. So, I think first you look at the town zoning map and decide whether it is consistent with it, or whether it is going to be harmful to the established zoning patterns, and I don't think that this, in any way, is going to cause any damage to the residential area. Of course you also look at the Plan of Conservation and Development, but keep in mind, as Alan said, that we believe the Plan of Conservation and Development is advisory. It is, they are in the nature of guidelines, that you establish every ten years of looking forward, but it is by no means binding on the town, and the Zoning Commission has the authority to rezone properties as long as I just said, it's consistent with the comprehensive plan. I think when you said that you didn't want the boundaries of the center to be expanded, I don't think this is the kind of expansion that you contemplated. I'm going to guess that this is not really what you were thinking about. I think you meant, you didn't think there should be any significant expansion of the town center into relatively large new areas. Something like this I don't think is really inconsistent with the goals of not materially significantly expanding concept, also I think that, as Alan said, there are other parts of the Plan of Conservation and Development that deal with town center and I think as you learn more about, as we get into the site plan review, I think that, I think that what we are proposing is consistent with the goals, these other goals of the Plan of Conservation and Development. For one thing, the Plan talks about scale of development, in town center, as we will see, it is certainly consistent with the scale that you had in mind, the architecture is compatible with the goals that you set forth in the Plan of Conservation and Development, and consistent with the other buildings in the town center and the overall use is compatible with the existing uses, the existing buildings, the existing streetscape and in fact in some ways, it's going to enhance I think, what is there now. So, I think the key is, I don't think this conflicts with any goals of the town, I think it's consistent with the comprehensive plan as well as the Plan of Conservation and Development, and perhaps the most important thing that a Commission has to take into effect when it is dealing with a zone change, would there be harm to anybody in the surrounding area and I think the answer is no, because we are talking about a very small piece of property and we're talking about, as Alan and I have already said, a piece that is unlikely ever to be used for residential development and is very much a very small but natural extension of that area, so I think you have, I think this proposal meets all standards for a zoning change for this zone.

I just wanted to mention one other thing because I know that this came up last time, and Ed mentioned it also in his staff comments and that is, I agree with Ed, that when you change the zone, for a piece of property, you can't really condition the zone change on certain types of uses or whatever. If you change the zone, you change the zone. However, having said that, in this particular case, I don't think there is a whole lot to worry about in terms of future uses of this parcel. Obviously it is going to be, initially it is going to be used for a bank, but even if you are concerned about future uses, and I had written a letter, I had written a letter to the Commission the last go around on this issue, so it is in your files somewhere, but as I explained in that letter, you know, the B-TC Zone allows a wide variety of uses, either simply permitted uses or special exception uses. However, given the very small size of the property, many of these potential uses would, as a practical matter not be feasible, including say, places of assembly, funeral parlors that simply wouldn't be able to fit on that property. Other uses that are mentioned that might be feasible but only on a very, very small scale basis, not only because of the size of the parcel but the set back requirements, the parking requirements and buffer requirements and so forth. So as a practical matter, the use of the property is going to be limited to smaller inoffensive development which will not conflict with other uses in the area. In addition, because this is in the town center, this Commission has very significant control over future uses for the property in the event that you do change the zone. First of all, all properties in the B-TC Zone are subject not only to the B-TC zoning regulations, but all the town center village overlay district regulations. Those regulations give

you broad authority over the appearance of any proposed development in the town center including the design and placement of the buildings, the materials and colors to be used, the parking layout, the lighting and so forth. Not only that, but you have to approve any site plan for this property and your site plan regulations give you a lot of discretion including the discretion to consider matters such as the existing future character of abutting property and the suitability of the building design for the site, so, with respect to this property, it seems apparent given the factors that I have mentioned, that you have a lot of control over how this property might be used in the future in the event that for some reason the property is not being used for a bank, more control than you have over properties in other zones because of your overlay zone, so I think the application for a zone change meets all of the criteria, the legal criteria and for the reasons that I just stated, I don't think that you have too much to worry about in terms of future uses of the property, so we hope that you will grant the application. Thank you

Chairman Pruett: Ed, staff comments?

Ed Meehan: I just want to put my staff report into the record. It has been given to the Commission members as well as the applicant, if the public wants copies, I'll make copies available to the public. I think the presentation as articulated, the issues on this parcel very thoroughly, I mean, the Commission needs to look at your 2020 Plan which is advisory as to the language set forth in that plan, and as I put in the staff report, the language is pretty direct as far as not changing, expanding the business town center zone. On the other hand, there's also, in the Vision statement, an opportunity for the Commission to look at the compatibility of some sites and some locations as to the immediate area as to whether a change might be appropriate. Attorney Wise and Alan pointed that out. They also pointed out the difference between the comprehensive zoning plan and the advisory plan of Conservation and Development. This is kind of an odd piece relative to the comprehensive zoning plan in the respect that it is the only vacant residential lot that abuts the business town center zone. You go around the whole town center, there is no other vacant lot. It's somewhat of a unique piece, and it's a long, deep narrow piece which is, I think somewhat conflicted by the fact that if a residence were to go on this piece, the residential development would be abutting a commercial use without a twenty five foot setback and buffer area because the older use at 1268 Main Street never had to put that in place when that was developed back in the '60's or early '70's, so in that respect, a residential development on this site unless they really crowded a home to the south side, a smaller home, would not have a buffer as other properties do that abut the town center. There are a couple of unique things about this parcel. I think the key here is the Commission's comfort level with, if they do think this might be appropriate to expand the Business Town Center zone. As was mentioned, you can't put conditions on this, you've got to open this property to a variety of uses that are permitted in the Business-Town Center Zone, all subject to site plan approval, and the village overlay district to meet the design guidelines, height control, compatibility to adjacent property. There are a few special exception uses that are permitted in the business town center zone, obviously food service, restaurant uses might be one, the parcel is too small, I believe for places of assembly, the parking requirements for that type of use would probably overburden the site, but I think the unique thing here is the vacant characteristics of the piece, the fact that it could be a gateway site, if it is done right, it could also be a end site if the residential use stays on this site, if it's the gateway, it's the end. It's the end where the town center meets the adjacent residential zone and we don't have any control over what happens in that plot plan, we being the Commission as a body. At staff level we have obviously the standard zoning permits review process, but you don't have a chance to delve into it as much as you do at this level when you have a commercial use before you. It could be a financial use there, it could be a professional medical office use there, it could be a professional office use for service uses, you know, attorneys, insurance, there are a variety of uses that a small

building like this could accommodate in the business town center zone. Not just financial, and when we get into the site plan, I'll talk about some changes to the site plan that could open the site up for additional uses, but they would have to come back to the Commission and seek your approval.

Chairman Pruet: Thank you Ed. Commissioner comments? Okay, seeing none, we are going to hear from the public. Anyone from the public wishing to speak in favor of this petition please come forward and state your name and address for the record, please.

Robert Stuzinski: 1310 Main Street: I was opposed to the zone change, however, Mr. Bongionvanni and Dave worked with me, bent over backwards to please me with everything, and I actually support this application.

Chairman Pruet: Anyone else from the public wishing to speak in favor of this petition? I also have an e-mail from Jim Wells, 1271 Main Street. "Ed, due to my son being in hospital I will not be able to attend meeting but please give this to the committee and Reno properties. In late April I met with Reno Properties and Dave showed me the revised plans and we discussed my concerns of lighting, leaving the property and traffic with the bus stops and Dave said he would try and address this with the state and keep me informed. If nothing changed from when I reviewed the plans the only concern I have is that the building color match more of the existing buildings on that side of the street. Since the bank on the corner is not changing, I would like to see the building blend into that color." We will make Mr. Wells comments part of the record. Anyone else from the public speaking in favor of this petition? How about speaking against this petition?

Donald Sama, 1307 Main Street: We are directly across the street from the proposed bank. Nothing has changed since April as far as I'm concerned, I don't know, they were talking about, if these people move out, what it's suitable for, whether it is going to be a Dunkin Donuts with a drive through, that kind of thing. It's stated right here in your facts, the long term thing, you guys say, not changing the zone, I see where they are saying that and this other notch here, the red box would be another good thing if you spend the time, but they don't want to do that. At that point there they would be directly across from my and my neighbor's house also. You know, I just don't see what has changed here. I mean, this is like we said before, no one is looking to build a house at this point, no one anywhere is looking to build a house, but I see how they say it is going to look good coming down to the center of town for people as a gateway. Well, you know, I don't think they all look to the right, I have people who have improved their houses on my side of the street, you know, the four houses coming from the center there, the photographer, that's just like a home office, there is no big store front going on there. If they didn't have their little shingle out there, you wouldn't even know it wasn't a residential property. The dentist, he's up at the end there. Okay, I'm not for it and I don't see any problem with the way that it is right now.

Chairman Pruet: Okay, anyone else wishing to speak against this petition?

Gail Sama, 1307 Main Street: I'm in the same house, I don't want to repeat a few things that my husband just said, I just want to make sure that we do remember that we have a petition going around with our neighbors in the area and they were against it, and it makes me pretty upset to know that we went through all of that work and just because you can buy somebody a driveway and get them to change their mind, I hope it doesn't persuade everybody else to know that we still are against it. We knew what we were buying as a resident near a commercial but I can see it moving down, and when you said that they can always get bigger, if Robert decides to move out, you buy his property, it's just going to get bigger and bigger. So, I just want to remind everybody about that petition.

Chairman Pruet: Anybody else from the public?

Judy Long, 1333 Main Street: I own the photography studio. When we moved in, we had to get a special permit to be able to run the studio, but we had to live in the house to do that, so it's really not considered a business zone I don't believe. I don't think somebody could just move into the house and open a business, you have to live there. I'm just a little concerned about the fact that at some point in time, they might be set to take Robert's house and just keep moving down and I certainly would object to that, but I would like to see the plans for what they are planning now. Thank you.

Chairman Pruet: Thank you. Anyone else from the public wishing to speak against this petition? Okay, the petitioner has an opportunity to rebut.

Alan Bongiovanni: Thank you Mr. Chairman, just to be brief, I don't believe that I stated that the applicant desired to buy Mr. Stuzinski's property. If I didn't say it clearly, my intention was, we believe that the natural border for the zone should be probably at the south side of his property because you actually have the naturally buffered area, you have a water course that could not be built on under any circumstances. It's regulated by the DEP, the Army Corps of Engineers, the Inland Wetlands Commission, that is probably the most appropriate. That's just my opinion, that's the applicant's opinion. We have no designs on buying Mr. Stuzinski's property, we're not proposing to expand beyond what we have here. Reno Properties owns 1268 Main Street, and having the ownership of that property makes this viable. He can now bring this into conformance with the required zone, with the zone to develop the property. We are not looking to expand the town center in any significance. It's appropriate we believe for this property, and that's the long and short of it. Thank you.

Chairman Pruet: Okay, we've heard the positions. What is the Commission's position on keeping this open further?

Commissioner Pane: Mr. Chairman, I'd like to thank our Town Planner for getting these minutes for me, that I asked him for, they are on Petition 41-05 from 2005 over on Main Street. There was an applicant that came in on the other side of town that wanted to expand into a residential zone and I haven't had a chance to go through these minutes yet, but I think it's important for the Commission to get a copy of them also, besides myself.

Ed Meehan: I have copies.

Commissioner Pane: Okay. If you want to give a copy to the applicant, certainly we can give a copy to the applicant.

Ed Meehan: I will send out copies to the Commission members who are absent.

Commissioner Pane: I think we, since this has been in before, unless one of the other Commissioners has a problem, I don't think we need to keep this open, I think we can close this.

Chairman Pruet: I agree. Any other comments from the Commissioners on keeping this open or closed?

Commissioner Lenares: I would probably be in full agreement with Commissioner Pane. We've heard this before, we've heard from the residents before, I guess there has been some changes, architecturally, or whatever to the property for the building and I guess that would

be further in the meeting, and we've heard from the residents before, some for and some against and I would probably be in favor of closing this.

Commissioner Hall: The only thing that I would say before we do close this is that one of the comments that the attorney made is that this is a minor extension. They may view that as a minor extension right now, for this particular parcel, but what happens when somebody on the other side of the street next to the dentist wants to market their property and they will get more money for it as a commercial piece than they will residential, there is no question about that. And they come before us and say, well, it's just a minor extension on the other side of the street, I would like you to consider my parcel a minor extension on this side, because I have a commercial right now. You do it now, there are parcels that go all the way down to Northwood Road, there are parcels on the west side of Main Street, that would be very happy to sell their parcels as commercial. Every time one of those pieces came available in the last ten years the first question anyone asks when they call to ask about the sale of that property, can I put a business there, every single property. The most recent sold was 1377, that would have sold probably the first week it was on the market had they been able to put something commercial in there. Doesn't have to be big commercial, but it had to be something that was a business use, different from having to live in the house and have your business as a adjunct to living in the house. Just be aware, he tells us it's minor, it may be minor for this parcel, but it's not the only parcel out there, nor will it be in the future.

Chairman Pruet: Thank you. Okay, consensus is to close this, is that a consensus. Okay, we are going to close this petition. Thank you.

C. PETITION 24-10 – 2231 Berlin Turnpike, McBride Properties owner, Kyle Niles Sign Pro, Inc., 1685 Stanley Street New Britain, CT applicant request for Special Exception Section 6.2.4 ground sign, B-BT District.

Chairman Pruet: If the petitioner could step forward and introduce himself for the record?

Kyle Niles: I'm project manager for Sign-Pro representing Paul McBride of 2231 Berlin Turnpike. We're here to ask for a special exception I guess 6.2.4, for a ground sign on that property. It's already existing, the issue with the sign is this sign was built improperly when it was put on the property. It wasn't installed improperly or anything like that but the cabinet itself wasn't built to the right spec for the proper illumination, so the owner has hired us to redo that and put it all under UL code and have it built the right way. What we are asking to do is remove the cabinets from the foundation, build two new cabinets exactly the same size as the cabinets that exist now, they're just going to be electronically inside, and everything built properly and to UL code and reinstall them on the existing foundations and put the existing faces back into the new cabinets, so basically all we are doing is building new cabinets and utilizing the foundation and the faces that exist there now. We're not changing the size, the square footage or anything like that on the signs.

Commissioner Pane: All because of UL?

Kyle Niles: Well, yeah, because of the way that they built it, the cabinets aren't quite deep enough.....

Commissioner Pane: What I'm saying is, why he was even dragged in here, if he wasn't expanding the signs.....

Ed Meehan: He is expanding the signs.

Commissioner Pane: He just told us he wasn't expanding the signs any bigger.....

Ed Meehan: That's not.....

Commissioner Pane: I'll wait for a staff report then, sorry.

Kyle Niles: Anyway, what we have there, there's 360 square feet of allowable signage for that property, these two cabinets will be eight feet by twelve feet, and it will be 192 square feet total which will leave us a surplus of 168 square feet still on that property, so it does, everything does conform to the sign regulations as far as square footage that is allowable and everything. I think that is all. Mr. Meehan I know is familiar with it.

Chairman Pruet: Okay, we'll hear from staff, Ed?

Ed Meehan: Okay, the staff report you have on the table, I'll give you the additional background. There is a special exception of record for the original V shaped sign. It was constructed when the Smart Living Center opened up and Joey-D's was in the adjacent plaza building. The Commission at the time approved thirty-four square feet per side total signage for the V shaped sign. Some time after Smart Living Center moved out, another tenant moved in and the sign was expanded without a building or zoning permit, in violation of a special exception and as Kyle mentioned, without any proper electrical certification. To straighten that out, the property owner has come back and taken the proper steps to apply for an amended special exception to cover the increased size of the sign, go through electrical review with the Building Department and get the sign established pursuant to your regulations and there will still be additional wall sign left over should a new tenant or tenants change in there, of 168 square feet. So it's a straightforward application but it just kind of makes things correct, going forward.

Chairman Pruet: Okay. Commissioner comments?

Commissioner Pane: Ed, just so I can get this, from what is sitting on the property now, it's not going to be expanded any more than that which is existing on the property now, but some of that, that is there never came in for approval. Is that correct?

Ed Meehan: That's correct. We approved thirty-four square feet per side, it's ninety-six now, so

Chairman Pruet: Additional commission comments? Okay, you can have a seat and we'll hear from the public. Anyone from the public wishing to speak in favor of the petition? Anyone from the public wishing to speak against this petition?

Arthur Alexander: Mr. Chairman, Members of the Commission, I'm an abutter of 2221 Berlin Turnpike and this evening is the first time I have seen any renderings or drawings or explanation of the sign, and now it is explained to me that nothing is going to change I'm perfectly satisfied with that but the subsequent discussion that I have heard, I'm not clear on whether or not the sign will remain the same dimension on it's footing, and at some future time they can expand it, or not expand it. I just want a clarification of the conversation that went on.

Ed Meehan: Okay. They are going to put back what you see there now, the cabinets will be properly constructed and properly wired per code, the same base will be used and it will be 96 square feet per side, as it is now. They could always come back to the Commission and apply to increase that size, but we would go through the same public hearing process as we

are following tonight because they are well under the signage for the site. You mentioned 168 square feet, so it's going to be an 8 x 12, eight feet high, twelve feet long, so that is how it stands now sir.

Arthur Alexander: Thank you for that clarification, I have no objection.

Chairman Pruet: Thank you for coming forward. Anyone from the public wishing to speak against this petition?

Commissioner Pane: Mr. Chairman, I think we should close this and move this to Old Business. I'd like to make a motion that we move this to Old Business.

The motion was seconded by Commissioner Anest and the vote was unanimously in favor of the motion, with seven voting YES.

D. PETITION 25-10 – 2525 Berlin Turnpike, Doogie's Restaurant, Meriden Humane Society 540 Oregon Road, Meriden CT 06451-3727 applicant, represented by Rock Aronheim P.O. Box 778, Pine Bush, NY 12566 request for Special Exception Section 3.2.8 Charitable Event B-BT Berlin Business Turnpike District.

Rock Hronheim: I'm the owner of Doogie's Restaurant, on the Berlin Turnpike. With me is Carrie Quinn who represents the Meriden Humane Society. What we want to do is, we're conducting a raffle and we got the license from the State, or getting a license from the State. We're conducting a raffle to raise money for the Humane Society, frankly my petition is kind of comic relief to you folks after the big project here tonight. The Humane Society is our charity of choice because the joke in our business is that Doogie's says, "Some dogs are for eatin' and some dogs are for keepin'" so we like to help the Humane Society and we want to do a flea market and that has a very foul connotation as I was told last year by Mr. Meehan, we don't want the Berlin Turnpike to become a year round flea market, so we didn't pursue it last year. We came back this year and Ed said, okay, you need to have the charitable organization make the application and quite frankly, I thought that was approval so we went ahead and started promoting it and getting donations from people and lining up volunteers from the Humane Society and when I brought the application in, I was told I had to come before the Commission. I assure you that for all of the work that we are doing, Carrie and myself, this is not going to be something that very many places do, this is not something that I am going to do more than this one time this year. We are opening a second store in Waterbury with a very, very large parking lot which will be much more accepting of the requirements, parking, etc., so in the future, we will be doing these kinds of things there rather than here in Newington.

As far as parking, I was advised by Ed that we needed to consider how we were going to handle the traffic flow. I spoke with Lieutenant, I don't remember his name, at the Police Department and I said that our plan was to post someone holding a sign at the Ruth Chris parking lot, directing traffic for the flea market on Sunday July 25th, into, actually both days, 24th and 25th, into Ruth Chris parking lot, we have a very good working relationship. They have given me permission to use their parking lot because they are not open for lunch. We will finish our event by 3:30, the parking lot will be cleared by, somewhere around 4:00 or 4:15 and that was acceptable to them as long as it was empty by 4:30.

My personal feeling is that there are a lot of good charities, a lot of good human charities, a lot of people out there helping them, not enough people helping the animals and that is what Carrie and I choose to do. So we are hoping that you will grant us the right to hold this event.

Chairman Pruet: Okay, Thank you. Staff comments, Ed?

Ed Meehan: Thank you. I've outlined in the staff report some concerns. The property owner has mentioned, I think the top concern with this type of event would be traffic safety. The Berlin Turnpike even on Saturdays and Sundays in July will carry a lot of traffic. People, I believe could be a problem as far as pulling into the break down lane and parking or if they do go into Ruth Chris they have to get out of their car and walk partially in the state right of way because the fence does come out to the property line, into Doogie's property to go to the flea market. If they miss both driveways, and they really want to go to a flea market, they could start making U-turns in the island medium break about a half mile south of this location so you really have to be careful with the traffic for this type of event. It's open curb cuts, there is no driveway control on the Berlin Turnpike. It's a tight site, I counted about 26, 28 parking spaces, I don't know how many of those would be taken, if there would be tables displayed outside, how you are going to set up the parking lot, but that could push customers other places, either next door, or come back by doing a U-turn, so I think that is the key thing. Part of this site is already controlled by the Department of Transportation as a lease that the property owner has engaged in for parking and display of sign, about 200 square feet (inaudible) is state right of way, so I don't know what obligations there are between the property owner and the state, but the lease says parking and pylon signs. The other thing that I pointed out is, I didn't realize that it was going to be, I knew it was going to be a charitable, non-profit, I didn't know it was going to be the Meriden Humane Society until the application was filed and I don't see that as a local organization. That is up to the Commission to discuss, but your regulations talk about local charities, so that needs to be gone over. So those are the key things, whether a police officer is going to be engaged for the day, parked out there with a patrol car, it hasn't been mentioned, I just think that as well intended as this is, there could be really serious traffic problems and I expressed that to the applicant and the adjacent property owner stopped by, Mr. Emerson and put his concerns into the record at the appropriate time, that should be ready for the record, he is the abutting property owner to the south.

Chairman Pruet: I echo your sentiments too on the traffic concerns out there.
Commissioner comments?

Commissioner Hall: The first thing and I don't mean to be facetious on this, but on the D petition, I think we need an "e" after Meriden Humane Society. A flea market, even if you use it in the Ruth Chris parking lot which is considerably bigger, I'm assuming, don't they have to have things that they are going to be selling? So you will have vendors and you will have items as well as traffic coming in, as well as possibly foot traffic, so it's not just a place for cars to pull in. I'm assuming they would use that spot for the actual sale of whatever they are going to be using for their flea market, I'm assuming. The other thing I would like to see, we have done this in the past, is actually either having the person who owns Ruth Chris come before us, or send a letter stating that they are aware of this, and that they do agree that they can use their property, I mean, it's all well and good to hear that they are going to be using it, but I think we have to hear from the actual property owner. Those would be my concerns, although it's bigger, I don't know many vendors they expect, where they are going to put everybody, plus cars plus people.

Chairman Pruet: Additional commissioner comments?

Commissioner Pane: I had some of the same comments and just a reminder Mr. Chairman, I think we should read that letter into the record from the abutting property owner from the south, and one of the other things that disturbed me is that this has been advertised frequently before even coming to us and that bothers me, just so that everybody understands. Maybe this should have been brought to us, maybe thirty or sixty days ago but you can't advertise something without having permission for it first. Thank you.

Chairman Pruet: Okay, additional comments from Commissioners? Before I call on, I'm going to call upon the public now. Speaking in favor, or against. Anyone from the public wishing to speak for this petition? Anyone wishing to speak against this petition? I'm going to read into the record, "I am George Emerson, adjacent property owner south of the applicant's. I'm voicing for a negative vote for the Doogie's Restaurant application for exception to Section 3.2.8. Our property has been impacted with overflow parking from this customer during the normal course of business because of his inadequate parking lot size. Combining his primary use with another function will only add more cars, which tend to overflow into my parking area, taking parking spaces from my tenants which I think is totally unfair. I'm asking your help and a just solution. The Connecticut Humane Society has a beautiful facility with ample parking just a couple of miles away and off the busy turnpike which would make a much more appropriate location." Okay, you have an opportunity to rebut.

Rock Aronheim: I thought I was pretty clearly spoken when I said that I did not realize we had to come before the Commission. I'll take the blame for misunderstanding Ed when he said that it had to be sponsored by the Humane Society. If I had done that I wouldn't have advertised it, and I wouldn't have scheduled it this early. I've been through this before this Commission with these members and different members over the last ten years we have been in business and I think everybody here clearly understands that I would not in any way deviate from procedure or regulations. I don't have a problem getting you a letter from Ruth Chris, I hope that you don't think that I manufactured that. I don't have a problem getting the letter. We were going to put four tables in our picnic area. We were going to park the Humane Society volunteers as well as all my own employees behind the Ruth Chris building that day. We don't have a problem posting a volunteer at the northern most driveway, so I think unless you are blind, you can't miss where to park for Doogie's event. I don't see it impacting more traffic. I looked into hiring policemen, and the charge for an eight hour day was \$489.00 or something like that and quite frankly, I would never take that much of the proceeds away from the Humane Society to hire a police office. Lieutenant, again, I'm sorry, I don't remember his name, didn't have a problem with my plan. Said if they got any complaints they would come over, we would address them immediately. I think we have ample parking for this event because of what we have planned, and there was one other point, I don't remember, happens when you get old. As far as not being a local charity, well, quite frankly, with all of the publicity that the Newington Humane Society has gotten that has been negative, I would not in any way do an event for them, and if that offends people, I'm sorry but I've dealt with the Meriden Humane Society, I've adopted from that Society, they run a terrific organization, they take very good care of the animals and that is my charity of choice.

Commissioner Pane: Just to answer the applicant, I don't think this Commission thought that you were manufacturing anything, and the reason that we ask for a letter is because it is our policy to make sure that we get a letter from abutting property owners, so nobody from this Commission thought that you were manufacturing anything.

Rock Aronheim: Thank you.

Commissioner Pane: As far as the layout that you have explained about the tables at your site, two or three tables there and the parking over at Ruth Chris.....

Rock Aronheim: I'm sorry, I should have said this, the picnic area is at the back of my parking lot. We have five, six picnic tables.

Commissioner Pane: I'm familiar with that. I'm sorry, I didn't know how many tables were there, but I'm familiar with that, and the five or six tables that are over there, having it over there, and then having your employees parking behind Ruth Chris and then having the parking over at Ruth Chris, it sounds like you have things under control a little bit. I would like to know if you are having any special signage for the two days, and then there might be a couple of other things under the staff report, that you should make sure that you have answers for our Planner. I would make the recommendation that, normally it is a local charity, but I'm sure that, Meriden is just down the street and I'm sure that they have a beautiful facility and it's a nice organization, and I have no problems going out of town a little bit for the event. I think our concerns are just to make sure that things are safe, that there is not going to be a major traffic incident over on the highway, and I think those are our concerns.

Rock Aronheim: May I address the.....what.....

Commissioner Pane: Signage?

Rock Aronheim: Yes. I'd like to address the vendors first however. There are no vendors, nobody else is going to sell food at Doogie's but Doogie's, so there certainly won't be any food vendors. All we are having are volunteers at the picnic tables selling the things that have been donated to us. As this Commission is well aware I was before it I think two months ago requesting that you consider the amplification of the signage on the Berlin Turnpike. We are allowed ten days a year, we have to specify which ten days when we take a permit. It's not really favorable to the businesses, and if I understood you correctly Ed, it's being considered in the large comprehensive plan. So no action has been taken. I plan on using all ten of my days, starting the weekend before to post a sign specifying, one big sign, specifying Humane Society charitable fund raiser. I haven't done the wording yet, but I'm basically donating my ten commercial days as it were, to this cause, so yes, I do plan on having a sign to promote it.

Commissioner Anest: I have a very serious concern about the traffic. I really do, I mean, is there some way that we could get something from the Police Department, from the Chief showing some kind of traffic pattern or traffic plan?

Ed Meehan: I think the applicant needs to put on an aerial photo or a site plan I can provide him, what he described to the Commission. Where the picnic area is, in the back and where the tables will be set up and he mentioned someone standing out there with a sign, at Ruth Chris driveway.

Rock Aronheim: Why don't you just come down and eat at my place, you'll see where the picnic tables are.

Commissioner Anest: There has to be a traffic pattern because.....

Ed Meehan: Cars are going by at 55 miles a hour.....

Commissioner Anest: Exactly, I'm very, very concerned about that, and to have somebody get injured because of it, I think there has to be some kind of strategic plan to get people from Ruth Chris over to your lot without having to walk in the right of way on the Berlin Turnpike.

Rock Aronheim: Okay.

Chairman Pruett: Okay, any other comments from the Commissioners.

Commissioner Pane: Mr. Chairman, I don't know if we are on a time constraint on this....

Rock Aronheim: The event is the 24th and 25th and I need to post my signs the week before so we're talking about the 17th and 18th.

Ed Meehan: Your next meeting is July 14th.

Commissioner Pane: Well, that's cutting it awfully close isn't it?

Chairman Pruett: What are your thoughts about closing this meeting, the petition, any thoughts on that?

Commissioner Pane: I would recommend that we close the petition, I think we can work it out as a Commission. I would move that we close this petition Mr. Chairman and move it to Old Business.

Commissioner Anest: If we move it to Old Business can we still discuss the issues that we have.

Ed Meehan: Under Old Business, you can discuss it, you can vote on it, or you can just leave it under Old Business.

Commissioner Camerota: And under Old Business we can still accept information from the applicant?

Ed Meehan: No, it's closed.

Commissioner Pane: Well, I think we've got all the information that we need and I think if we move it to Old Business we can discuss it and get it to the point where our staff could handle it along with the Police Department and once it reaches their approval, then the event will continue. If it doesn't meet our Town Planner's approval after he reviews it and he gets information from the police officer, Lieutenant, and if he is not satisfied, then Ed won't let it continue. So I think this can be handled staff wise. Unfortunately they are under a time constraint. I think it's a good organization, it's a good charity event. Unfortunately they didn't apply this early enough, it's unfortunate, but I think what we need to try to do is work around these things and make it work, and I think we can discuss this later, under Old Business. Get everybody's concerns. Carol, your traffic concerns are very important, I'm concerned about whether or not they can direct people, I'd have to look at it again, but a path there between Ruths and Doogie's so that they don't have to walk on the highway, I don't recall if there is, but those things I think can be worked out with town staff after we, as a Commission tell the Town Staff about all of our concerns, then I think this could be handled town staff wise.

Commissioner Anest: I have a question? How many people are you expecting to attend this event?

Rock Aronheim: Seven. No, I have no idea.

Commissioner Anest: Where are you advertising?

Rock Aronheim: With my e-mail list, and my signage that I am planning on putting up. There is no newspaper advertising. We are not spending, I just don't want to spend any of the dollars that we could give to the Society.

Commissioner Anest: And how many spaces would you have for parking?

Rock Aronheim: I don't know, but I can certainly let Ed know. Sounds like I'm coming back to Ed with the information, if that is what you want me to do. I will certainly find out.

Commissioner Pane: There has got to be fifty, sixty spaces there.....

Rock Aronheim: They put a hell of a lot of people in their parking lot when they are busy so.....

Commissioner Pane: And this is an event where they are probably going to come in, they are going to donate something, buy a little something, buy a hot dog, and then go, and it's going to be one of those rotation things. There again Carol, if it becomes a problem and let's say people are parking on the highway or something, somebody is going to complain and that's where the police department is going to go over, if fact, we could make it part of the thing, that we could have the police go over there and check it out between a couple of hours there and say, hey, keep an eye on this, make sure it doesn't get out of control.

Ed Meehan: They could hire a special duty officer.

Commissioner Pane: Okay, then they'll have to hire somebody.

Ed Meehan: They won't do this just on a patrol.

Commissioner Pane: I think we should discuss this under Old Business. If we feel as a Commission that a police officer is needed because of it, then maybe on the first day they could hire somebody and then on the second day, if every thing is going smoothly maybe he's not needed. If he is still needed, then he's still needed.

Chairman Pruet: Okay, consensus is to close this and move it to Old Business. I'll entertain a motion to move this to Old Business.

Commissioner Pane: I made the motion, did somebody second it?

Commissioner Aieta: I'll second it just to move it to Old Business so we can discuss it further. Some of the remarks that were made, I think there are more concerns than there are, it's so vague, we're almost putting it together for the applicant. It's so vague on how this event is going to work, I mean we don't have a real understanding of Ruth Chris, the letter from Ruth Chris, the traffic concerns, let's talk about it under Old Business.

The vote was unanimously in favor of the motion, with seven voting YES.

Rock Aronheim: Thank you, and I'll see you Ed?

Chairman Pruet: We are going to discuss this further tonight.

Rock Aronheim: Okay. I can tell you sir, of all the things I have been called over the years, vague was not one of them.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. **MINUTES**

June 9, 2010 – Regular Meeting.

Commissioner Pane moved to accept the minutes of the June 9, 2010 Regular Meeting. The motion was seconded by Commissioner Hall. The vote was in favor of the motion, with six voting YES and one abstention (Camerota)

V. **COMMUNICATIONS AND REPORTS**

None

VI. **NEW BUSINESS**

A. **PETITION 15-10 - Assessor Parcel 16-647 adjacent to 1268 Main Street (south side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for Site Development approval Section 5.3 for construction of 2500 sq. ft. bank.**

Alan Bongiovanni: Good evening Mr. Chairman, Members, Staff, again for the record, my name is Alan Bongiovanni, president of the Bongiovanni Group, 170 Pane Road representing the Reno Property Group on this application for site plan approval for a 2800 square foot financial institution on the property, without a street number but just south of 1268 Main Street, north of 1310. You heard earlier in the evening we have a companion application for a zone change permit, this use to change from residential to commercial. The site plan from what you saw a few months ago has a couple significant changes. Joe Eddy our architect is here and he will talk about the architecture of the building, not only the proposed building, but what we intend to do with the existing 1268 Main Street which is, for lack of a better term, probably outlived its esthetic life time and needs some upgrading and that is our intention, to bring the whole two properties into line with the town center guidelines, a colonial look, and Joe will get into that.

What we have done is we have changed the size of the bank, we've reconfigured the footprint, 2800, 2815 square feet, but we've taken the comments from the neighbors and the proximity of the drive though to the residents here and across the street and taken it and made a remote terminal, so it is at the farthest point from Main Street, from Mr. Stuzinski's house. That is accomplished by a drive though lane with plenty of stacking where you come into the site, appropriate signage would be added to the site, and then come around, wait here, two active drive though lanes with a by-pass that could probably also accommodate an ATM in that location. We have designed this site with the town center guidelines in mind, in that we provided parking for both sites, our parking schedule details based on the square footage of each site with the town center guidelines. It would be serviced by MDC sewer and water, we have a storm water drainage system that has been designed for the site, that will attenuate an increase in runoff, and store it on site, underground and then allow it to be metered out into the town system that goes to the south and then to the water course. One of the requirements for a commercial use neighboring a residential use is the creation or the

implementation of the twenty-five foot residential buffer. We have done that along the property line, I've proposed to take 1500 square foot of this property, deed it to Mr. Stuzinski and then still maintain our twenty-five foot buffer, evergreen landscape with evergreen plantings for year round buffering. We have proposed a fence, we talked about that as required. In talking with Mr. Stuzinski he may not want to look at some of the fencing that is there, that we propose if he is happy with the density of the buffer, so we are willing to put it in if he would like it, if he says, well, it's a little more fencing than I would like, we don't have to put it in, but we showed it as a proposal on the plan. One of the comments from our Town Planner when he looked at the landscaping plan, this rendering doesn't do it justice, he goes, you're not really going to plant all those plants. The landscape architect, Henry Withers really did an outstanding job in renovating the entire site. We are not only going to improve the aesthetics of this building, we are going to take the utilities, put them underground, we're going to renovate the entire parking area, and all the landscaping and sidewalks. It is a significant amount of landscaping that takes place on this property that will be a landscapers showcase when it is completed. There are some unique things that they are proposing we do, day lilies and things in some of the islands that they have found look better, last longer, require less maintenance over time, but aren't just grass in the islands, so we have taken some of their suggestions, implemented them into our plan and we are very proud of the application as we have presented it. It's a simple application, if you are on board with the zone change. It meets and/or exceeds all of the dimensional and bulk requirements for the Town of Newington and as we believe, Joe is going to talk about the scale, the architecture of the building meets the town center guidelines. We're not asking for any waivers or reductions of your regulations, we're combining the driveway. We have Scott Hesketh here to talk about traffic that will be generated by this, we think it's an appropriate use, at scale, that is consistent with the residential uses. It allows this to become the gateway, it upgrades the architecture of 1268 Main Street and improves, we think the whole area, while taking a vacant piece of property that the likelihood that it may never get developed as a residential use and putting it on the tax roll and increasing the grand list of the Town of Newington while upgrading (inaudible.) Having said that, I'm going to turn it over to Joe who is going to talk about the architecture and then Scott to make a presentation on traffic.

Joe Eddy: For the record, Joe Eddy, principal architect for AE Design Group, 1 Factory Square, Southington, Connecticut. In the approach to the architectural design for this building, we also kind of looked at this as a gateway building, but the key issue with a gateway building and a site like this is that you need that residential transition to make it feel like it is part of the commercial center but not be ignorant of the fact that the scale of a residential property makes sense so in that vein you will see that the ideas of the bank and the layout of this bank is that it is very residentially scaled. There is no tall boxes, there is no extreme heights, there is no great expanse of glass, the idea is to make it feel a little more like a residential piece but to tie it in with the improvements on the adjacent building, so that we have a pleasant transition, so that it looks commercial, but fits well. So it doesn't scream, we're in your face, but it fits well. It's kind of the theme of what is going on. The building materials, the architectural shingles like you would see on any house today, the siding is natural fiber cement, I'll show you the materials in a minute. Traditional, the windows will be vinyl clad windows so there will be no painting, there is a brick base on the building. The idea of the brick base is to make it transition to that other feeling, to make it look more like the brick base on the 1268 so it blends a little bit, it kind of helps it work a little bit. I indicated by error up here on the south elevation, you won't really see much of this because, but I indicated the building sign was to be determined. As there is no tenant, this isn't the right spot to show that, something I didn't catch until it was too late, there would be some type of signage which would have to be applied for in a typical signage permit process. We would expect signage to be on the west side and on the entry side which of course is the

north elevation in some scale that makes sense, but if there is no tenant, we have no idea of where it is going to go.

On the 1268 building, the 1268 building is a flat top, has long dark bronze windows with little panels between the windows on each floor, what we have done with that is we have removed the windows, paneled them so that they have a little bit more of a colonial character. This is the existing brick on the base, the windows are again, going with a vinyl clad window with a matching panel so it ties in well with this concept, again, clapboards, keeping in touch with what is colonial in the center of town, and then from the flat roof we have added to this to hide the mechanicals with a fence like structure on the top, similar to what is also done in a couple of your banks here in town. This is the west elevation facing Main Street, the east elevation facing the back. One of the key things that Alan did in this site, I think a real important thing for making this building and the site work, but because both sites are tied together we're able to put a planting barrier against this building where you don't have one now. It looks like the building launches right out of the pavement, especially if you are in the back. He has really worked this site to make some sense so with the green buffers and the planting areas and stuff it starts to come alive. These are samples of the actual materials. This is a cement natural wood texture siding, typical of some that you have, architectural shingles, vinyl clad windows and exterior trim. Colors, this is a Navajo white, almost typical of what everything you have in this area is, with some other white accents which are part of it. This is the brick, close to the brick on the 1268 building. This is the, the brick is made of two different blends so that when you put a blend of brick together, you might have twenty different colors and, I have a small board, I would have to bring in a huge piece to get a feeling, but these are the two ends of that color. They blend to more browns in the middle, and this, the rendering here actually, believe it or not, a photograph, it's the real thing, a slightly flat color, but that is actually what it is. That would be shown on both buildings. We also brought in, because many wanted the red brick option, and we would certainly be willing to consider that, this is typical of much of the brick that you have, including this building, in the center of town, and that is an option, at the Commission's discretion, we're willing to go either way. We thought that the brown ties this building nicely with residential, even though it's not red, it's not colonial in the sense of all the red colonial that you have, but it takes the sin off of this, it makes it really start to feel nice. I think if we move further down, the next couple buildings, where you have a lot of dark anodized windows, that brown really snaps out a little bit better than you might think, so for that reason we thought the brown and beige blend were a nice choice. Questions?

Alan Bongiovanni: A couple of quick things, I don't want to take Joe's thunder. The height of the elevation here, that's about the height of the roof elevation now. This is going to be like a mansard, so that is going to enclose the flat roof behind it, all the roof top mechanicals so not only do we dress up the outside of the building, we screen all of the mechanicals and that is a (inaudible) detail coming from that style of architecture. Having said that, I'm going to have Scott come and talk about the traffic, and then I will make a few closing comments.

Scott Hesketh: Good evening, for the record, Scott Hesketh, licensed engineer with the firm of S.K. Hesketh Associates. Our offices are in East Granby, Connecticut. We are the author of the traffic report dated January 25, 2010 and submitted as part of the last application I believe and additional copies were submitted with this application. I'll be brief because we have gone through this before, and don't want to waste your time talking about the boring numbers of traffic.

In the course of preparing our study we looked at the Connecticut Department of Transportation's traffic volume data base. DOT had traffic volume counts on Main Street, north of Route 287 and north of Market Square. The volumes were approximately 12, 600 per day north of Route 287, 14,500 a day north of Market Square. The Market Square counts were higher than the counts just north of 287 and we decided to use those as the basis for

our study in front of our site, even though the volumes are probably closer to the Route 287 volumes, but we went with the higher volumes. The peak hour volumes were 950 trips during the morning peak hour, 1250 during the afternoon peak hour, and the directional split on that traffic was approximately fifty percent in each direction. Using the Institute of Transportation engineers trip generation report for a facility of this size, the site would generate approximately 37 trips during the morning peak hour, and, I'm sorry, the existing bank, the proposed bank would generate about 34 trips during the morning peak, and about 72 trips during the afternoon peak, entering and exiting volumes, a combination of those two, so the split would be about 19 entering and 15 exiting in the morning, and 36 entering and 36 exiting in the afternoon. We also used the Institute of Transportation Engineers to generate the traffic volumes for the office facility as well, since the bank facility and the office facility will be sharing a site driveway. The office component will generate about 33 trips during the morning peak hour, and 92 trips during the afternoon peak hour. Level of service calculations for the proposed site driveway indicate that the driveway approach would operate at a level of service C during the morning peak hours, with delays in the range of 16 to 18 or 20 seconds per vehicle. During the afternoon peak hour, the levels of service for the site driveway, level of service D for the background conditions with just the office building existing and it would go to a level of service E with the driveway with the proposed bank with average delays in the range of 28 seconds with background conditions to 38 seconds in the combined conditions. The Main Street approach operates at a level of service A during peak hours, there is very little delay for people entering this site. Obviously if they are coming south bound, making a left hand turn into the site, you do have to wait for a gap in traffic, the northbound flow, but you certainly can do it and do so without significant delay. As we are using an existing site driveway, there's no improvements at the location. Site distances at the driveway are adequate to meet ConnDot requirements and we believe that the addition of this proposed bank facility will not have a significant impact on operations in the area. If there are any questions regarding the report, I'll be happy to entertain them, if not, I'll turn the microphone over to you, Alan.

Alan Bongiovanni: Thank you. Attorney Lew Wise is going to make a couple of comments and then I will close.

Attorney Wise: I just wanted to comment very briefly on the minutes that were handed out from the meeting of the Commission back in 2005, now that I have had a chance to look at them, and I know that the public hearing was closed and I understand that my comments will not be reflected but I think that we did not have a chance to even read these.

Commissioner Pane: Well, we're not talking about the zone change, and we closed it already.

Attorney Wise: Then let me just say that I think the proposal that you have before you, this site plan with its architecture and with its scale and the fact that it is on a lot that is very unlikely to be developed and used for residential purposes, is obviously in harmony with the surrounding area. That is one thing that you can take into account in looking at a site plan. This proposal is in harmony with, it's obviously in harmony with the business, the commercial zone on the two sides and as a result of changes in the site plan, the property to the south is better buffered and screened than it was the last time around and in addition the owner of that property is, has expressed his support for the proposal, so this application, oh, and as Ed said before, and I didn't realize it, this is the only undeveloped residential parcel that abuts the commercial zone. So it's a very unique property, unlike other applications that you had for zone changes in the vicinity of the business zone. Please keep in mind that every one of these applications is unique and that what you did before on other applications which may not

be similar to this, set no precedence. So if you are satisfied with the site plan requirements, and zoning requirements we ask that you approve the petition.

Alan Bongiovanni: Thank you. Just in closing, and again, we are available to answer any questions that you might have, there are a few technical comments from the Town Planner, site design clarification, I just want to go through them real quick. One, would both properties share the dumpster behind 1268 Main Street? That is the intention, to enhance the size of that, the enclosure creating single stream recycling as well as the general waste dumpster to accommodate both buildings, so that will be part of the reciprocal easement agreements. Note two, we will change the designation to all concrete curb from bituminous curb, number three, consider directional signage within the parking lot for cleaner access to the drive up portico, that's absolutely going to be added to the plan. We would need, number four, to coordinate with the Town Engineer for drainage agreement connection into the town system, item five, will the front lawn area be irrigated, the response is yes; and then clarify the location of the underground utility services to both properties. I think it's on sheet four, there is a note that they will be put underground, there's also I think on sheet ten and the cover sheet that these will be underground, but we will further clarify those and the Town Planner has seen enough of my plans, I must not have labeled it clear enough so he could understand it, so we would be happy to do that.

Other than that, we don't want to burden you with too much information, I think we've touched on the highlights for this project. We sincerely believe that this meets the design guidelines that the town has in place for the town center. We believe that the applicant and the architect did a very good job surveying the architecture and the theme of downtown and coming up with a plan for the proposed building as well as an upgrade to 1268 that continues with that theme. It is the applicant's belief that with brown brick, that not only blends with what is existing, but also takes into account the Bank of America on the corner, as I think the e-mail from Mr. Wells stated that would be his preference. That building probably is not going to get changed in my lifetime and although its not red brick, we believe this kind of identifies that whole area, kind of keeps the scale in line with what the town center has. If the Commission in their wisdom determines that the red brick is more appropriate we are not opposed to that, that's why we have a sample here. Thank you for your time.

Chairman Pruet: Okay, before I have some questions, I'll call upon Ed for staff comments?

Ed Meehan: The applicant has presented a site plan and with the two boundary adjustments, the 1500 square feet going to the abutting property owner to the south and the adjustment of the frontage width at 1268, both lots would be legal conforming lots in the business town center district, they meet the frontage in area which is important. The opportunity for reciprocal easement in a zero lot line is critical to the development of this site, for one curb cut on Main Street and a coordinated drainage system. The zero lot line is important and could be granted by the Commission if the Commission feels that the architecture meets the town center design guidelines. That is one of the criteria in the zoning regulations which the Commission put in as an inducement to bring buildings, renovated buildings and new buildings as they are developed into the town center as an incentive, so it is totally up to this Commission as to your judgment on the architecture and the granting of that zero lot line. It is also true for the reduction in the parking ratio. They call the building to the north a medical building and they are asking for a ratio of 4 spaces per 1,000 and then a 3.5 space count for the proposed bank or office building to the south. Again, that is contingent on this Commission finding that the architecture meets your town center design guidelines. The town engineer and I have studied this plan, the drainage concept is very good, the fact that we have storm systems in the parking lot and we are diverting water away from the property to the south and we think that benefits the adjacent property owner because we're diverting property from his site right now. The minor changes that I mentioned, that Mr. Bongiovanni

has addressed, I wasn't clear, the opportunity for red brick, is that just for the new building, or would you also redo the existing building in red brick?

Alan Bongiovanni: We would have to look at the existing building, I mean, there's a significant amount of improvement that has to be done to make this happen and strip off probably sixty percent of the brick façade that is there. Entertain that, I can't guarantee that today, it's a significant expense to take that existing building and bring it up to code. We really believe that this is the appropriate way, I mean.....

Ed Meehan: Is that real brick on 1268? Is that full brick shelf?

Alan Bongiovanni: Full brick.

David Occolini: Full brick, integrated with the masonry behind it.

Ed Meehan: Okay, I didn't know that. So I think from a functional point of view, you have a site plan that works. The remote ATM out in the hinterland there, I mean, to take it away from the residence, I don't know how our police department would feel about that, remote out there.

Alan Bongiovanni: They are popular these days, we're doing that more and more and we are seeing that more and more.

Ed Meehan: Well, I know that we have one remote ATM kiosk on the Berlin Turnpike at Webster but it's a very, it's the corner of Deming and the Berlin Turnpike and 24/7 there's 30,000 cars a day going by there which is different than the back of this site. I mentioned at the prior public hearing that the Commission needs to be aware that this site could easily be converted to another office use by the removal of that ATM and small configurations to the parking. This could be a professional office building, another medical building, so those could be uses if the bank doesn't materialize. It requires them to come back to the Commission for site plan review and modification to do that, but it wouldn't take much to do that for some reason. I think the most important thing that this application is the Commission's, obviously the zone change first of all, but that was discussed under a separate application, but your finding of consistency with the town center design guide lines. Since you are granting a zone change, and it is a gateway site I encourage the Commission to get the best architecture that is possible, that is sensitive with neighboring property, that the sign design, the lighting, whether it is soffit lighting or pole lighting, eventually they do show a ground sign, they will have to come back to the Commission, it's all sensitive to the residential uses across the street.

Chairman Pruet: Thank you, Ed.

Ed Meehan: I'm sorry, one question that I did not ask of Scott, Scott Hesketh, if I understood your traffic counts, pm peak, if I break the numbers down right, you are about 18 less to the south, you said, so at 4:30 in the afternoon there could be 18 trips over the course of a peak hour taking a left turn into this site?

Scott Hesketh: That's correct.

Ed Meehan: Is there any room to widen the lane out there for a bypass? There is a bus stop right across the street, on the pole across the street there is a bus stop, maybe Connecticut Transit could relocate that. They relocated it a couple of times already, but that's where Main Street shuts down.....

Scott Hesketh: Yes, it's a little wider north of this and a little narrower south, I don't know where the right of way is, standing here in front of you this moment

Ed Meehan: You know, you could have people who are impatient and even though there is one car in front of them taking a left, they are going to try to slide on the inside of that vehicle and the back of curb rolls up there, it's not flat.

Chairman Pruet: I was going to ask that question too, Ed. It's very important, I think that could be a major traffic (inaudible) area. Also too, you mentioned what is the time frame that falls into category E?

Scott Hesketh: It's the vehicles exiting the site during the afternoon peak hour. It's not the vehicles entering the site. The vehicles entering the site experience very little delay, if any at all. It's the vehicles exiting the site, well, if you are entering the site and you only have to make a left hand turn, and you only have to wait for a gap in traffic in one direction, so they tend to come quite frequently. When you are trying to exit the site, you are waiting for a gap in the traffic in both directions, so it takes a little bit longer.

Chairman Pruet: And define peak for us.

Scott Hesketh: It's a sixty minute period sometime between four and six o'clock in the afternoon. I can't tell you exactly which.

Chairman Pruet: Okay, thank you. Additional Commissioner comments?

Commissioner Hall: I just have a question. I know that they are going to do a deed of a hundred by fifteen which would be 1500 square feet, why don't they take that all the way down, why is it just a hundred feet back?

Alan Bongiovanni: In order to do that then we would reduce the buffer width, although we could accomplish the buffer, we would reduce to twelve and a half feet because some of these issues seemed to be contentious the last time around, we felt it was more appropriate to maintain the twenty-five foot buffer that we can control over time and have and meet all of the regulations. This allows the neighbor to do some improvements at his property, he wants some additional planting, buffering, whatever he desires, it's going to be his property if this is approved.

Commissioner Hall: Would he also be able to put a two car garage with this extra 1500.....

Alan Bongiovanni: He would be subject to the zoning regulations for a R-12 zone as they exist....

Commissioner Hall: Well, that's either a five or a ten foot with an addition of twelve feet, it looks as if he could put twelve and still have.....

Alan Bongiovanni: That's possible, there's a ten foot side here. I don't now if that is relevant to the application.

Commissioner Hall: I'm saying, is that part of what he could possibly do with this extra space, because to me it looks as if you are actually shortening the buffer, you're saying that you are giving him more, but you are actually making his property closer to the commercial.

Alan Bongiovanni: We have a twenty-five foot residential buffer, from the building, we've maintained the twenty-five foot buffer, and that is since the set back from the proposed property line from the building to the proposed property line and then granting the neighbor fifteen feet. If this Commission is so inclined to, and I'll put that on the table, waive the twenty-five foot requirement, we would grant fifteen feet all the way back. Reduce it to twelve and a half feet, with the same plantings as suggested up towards the pavement and we can deed that all the way back. There are a lot of options that they have on this property irregardless of whether we are here or not. This gives them a greater level of comfort that they have more control over their destiny and they have a bigger property. We thought that was a good compromise to work with the neighbors in doing that. We didn't want to complicate the issue by requesting a reduction in the buffer. We can do that. And we are happy to grant fifteen feet all the way back, but we are going to need a reduction in the buffer because we have certain geometric criteria's to make the parking and the driveway work.

Ed Meehan: You should be aware of how that section of grading, if you did that.....

Alan Bongiovanni: Well, we may have to deed that.....

Ed Meehan: Subject to grading rights

Alan Bongiovanni: Subject to grading rights and things like that, and you know, in the final rendition, maybe five foot of that we retain an easement for grading as well as landscaping, to maintain the buffer, but we can do that. I don't know whose benefit that serves, but we're not opposed to it.

Chairman Pruet: Further comments from Commissioners?

Commissioner Lenares: I understand what Commissioner Hall is saying but I think if I remember correctly the neighbor to the south, his main concern the first time this petition came through was that buffer, was could he see headlights coming through at night, and I think that by maintaining that twenty-five foot buffer could be advantageous for the neighbors, all the way from the, from the west end of the property to the east end of it.

Alan Bongiovanni: As I said, we are proposing a fence, be happy.....

Commissioner Lenares: It benefits no one but the neighbor and that's our concern, his main concern that he voiced here was the buffer and to shorten it and make only twelve and a half feet would only, for lack of better words, decrease the buffer. Thank you.

Chairman Pruet: Additional Commissioner comments? Okay, what is the pleasure of the Commission on this petition.

Commissioner Pane: This moves to Old Business automatically doesn't it?

Ed Meehan: You could keep it under New Business if you want them to come back here and do another presentation, or answer any questions that you haven't been comfortable with. You don't have to vote on it under Old Business, you still have the zone change.

Commissioner Pane: I think we should leave it alone, just in case, we still have the zone change to talk about.

Chairman Pruet: Is that the consensus, leave it open? Okay, we are going to leave it open.

VII. OLD BUSINESS

**PETITION 24-10
2231-2237 Berlin Turnpike
Special Exception – Ground Sign**

Commissioner Aieta moved that PETITION 24-10 Special Exception for ground sign at 2231-2237 Berlin Turnpike be approved, the Commission finding:

1. Petition 24-10 approval will amend a previously approved special exception for a similar but smaller ground sign at the same location and base, Petition 38-99, June 11, 1999.
2. Petition 24-10 approval is for new ground sign panels, 8' x 12' for an area of 96 square feet per side, new signage of 192 square feet; total sign area permitted for the two buildings is 360 square feet.
3. The proposed replacement ground sign complies with the zoning standards.

The motion was seconded by Commissioner Carragher. The vote was unanimously in favor of the motion, with seven voting YES.

A. PETITION 28-09 – 580 Church Street, Three Angels Seventh Day Adventist Church, Special Exception amendment, Stipulation for Judgment, May 13, 2010, approved by New Britain Superior Court, May 27, 2010.

Commissioner Pane moved that the Commission approve amendment of Petition 28-09, dated October 20, 2009 to read as follows:

- A. With the exception of the addition of a cupola as set forth immediately below the Petition is hereby approved in accordance with the building elevations dated June 11, 2009; and
- B. At the approximate former location of the steeple, the Church will add to the roof a cupola substantially in conformance with the design set forth in Exhibit A, attached hereto.

The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Pruet: We have a draft suggested motion we'll discuss that, on the charitable event at Doogie's. I'll open it up for discussion. We had concerns with several different things, the parking, other areas. How does the Commission feel about this?

Rock Aronheim: Excuse me, I may have a simple suggestion that will solve.....

Commissioner Pane: I'm sorry, you can't, this is closed now, it's not a public hearing.

Chairman Pruet: We're going to discuss this amongst ourselves.

Commissioner Aieta: I don't have any comments on some of the, you've heard the testimony from the applicant, it's really what I said before, I don't believe that it answered all of the questions as far as traffic is concerned, the number of people who would possibly use the

site, if they are going to have a police officer present, there are a lot of unanswered questions, also the fact that they were advertising even before we got the application in here.

Commissioner Camerota: I think all of the concerns that were raised, the parking and you know, where the tables were going to be how many are going to be there are all valid and I think that having a police officer there for traffic is necessary but I think the biggest concern is what Commissioner Anest brought out, is how are these people going to get from the parking to where the flea market is, and I think without answering that question, I can't vote on it or approve it without knowing how people are not, I want to make sure people are not walking on the Berlin Turnpike at that section. People coming out of the Hess Station, just gets crazy over there.

Commissioner Hall: I was wondering if perhaps, if he has permission from Ruth Chris anyway to have parking, if he couldn't just have the event at Ruth Chris, and have the food taken from Doogie's to Ruth Chris instead of all the people from Ruth Chris taking over to the smaller venue which is Doogies. I would think it would be easier if part of this is to sell food from Doogies along with whatever they are going to be offering for the flea market, have it set up at Ruth Chris and bring the food over. I don't know whether that is possible, but I think we are all concerned about the larger number of people crowding into the smaller venue when it could possibly work the other way.

Chairman Pruet: Good point.

Commissioner Pane: Well, one of the reasons that I moved it to Old Business was so that we could discuss it and I know that there was a lot of concerns with the traffic and walking from one site to the other, and there are time constraints, unfortunately, due to some, not having the proper information. We've done this once before, and it's up to the Commission, I know we've done it maybe once, maybe twice before, is we've allowed our Chairman and our Town Planner to meet their specifications basically and we talk about and we list all of the things that we are concerned with, and then as long as they can meet those things and the staff and he reviews it with the Chairman and they are happy, then it can get moved forward. If it doesn't move forward, if it doesn't meet to their satisfaction, then it doesn't move forward and that's one way we can take care of this so that they can meet the time requirements. We could still get a safe site, and hopefully it will work out. If it doesn't work out, and it's not safe and they're not willing to hire an officer or whatever we state as a Commission, then it doesn't work out. But that was the reason, because we are under some time constraints. We have done it once before where Ed has reviewed information and, but it's up to the Commission. If the Commission doesn't feel that it's, that it wants to, it's okay with me.

Chairman Pruet: Additional comments from anybody on this.

Commissioner Hall: I agree with Domenic. I think if you can work out a reasonable compromise, I see no reason for it not to happen, I mean, the cause is certainly a good cause. I don't know if you realize but Meriden is one of the few no-kill shelters and that's pretty important. The fact that he is aligned with them, whether it is Newington or whatever, it is a good cause, but it's the safety thing. We have to make sure that the people coming and going are safe.

Chairman Pruet: Ed what are your thoughts on that?

Ed Meehan: Well, the important thing is the police officer and I don't know what Lieutenant or Sergeant that you talked to, but to take a patrol officer off the district on the busy Berlin Turnpike is not a prudent thing to do. They have enough to do with the routine activity that

they are involved with. The right way to do this if it's going to be done for traffic purposes is to hire a special duty officer to be there for the duration of the event, and that way you do have somebody on the scene if anything does happen. If you look at the map attached to the staff report that white line is the property line. That's the state right of way, so as Michelle mentioned, if people park at Ruth Chris, they either have to walk between the pylon sign and the arborvitae and the fence or around the front of the pylon sign into the applicant's property and you have people coming and going. You have somebody pulling in and it's pretty tight in there. So, I just put that on the table as a concern.

Commissioner Pane: I like Cathy's idea of leaving, having the whole thing operate on the Ruth Chris site, provided we get a letter from Ruth Chris that they are allowing it.

Ed Meehan: They should be the applicant then, as the owner, they should be the applicant. This is a tough area due to the smallness of the parking lot.

Commissioner Aieta: Mr. Chairman, there was an article in the New Britain Herald where the applicant talked about also doing a September 19th big fund raiser, at the same location for the same charity. What is this going to be, like every two months we are going to have a fund raiser on this site.

Rock Aronheim: It's not going to be there, it's going to be in Waterbury. I already told you that.

Commissioner Aieta: Hang on a second. This Commission is deliberating, you don't have the opportunity to speak at this time.

Rock Aronheim: Well, speak the truth.

Commissioner Aieta: I'm ready to make a motion, Mr. Chairman.

Chairman Pruet: You have a motion in front of you, you've heard the concerns of the Commissioners. The main concern is safety, you heard the petitioner say that he would not provide private police protection for approximately \$450.00. That's my main concern is the people on the Berlin Turnpike, entering that.

Commissioner Anest: The other abutting owner, Mr. Emerson is concerned about people parking. Could there be something in there that there will be no parking signs, something to keep.....

Ed Meehan: Well, if you approve it, that certainly should be part of the condition of approval.

**Petition 25-10
2525 Berlin Turnpike
Special Exception – Charitable Event
Meriden Humane Society**

Commissioner Aieta moved that PETITION 25-10 Berlin Turnpike, Special Exception for charitable event Meriden Humane Society be denied, the Commission finding:

1. The operation of a two (2) day flea market at this location raises serious traffic safety concerns that have not been adequately addressed.

2. The property's small size is not sufficient to accommodate on-site parking and outside sales within the parking lot.
3. The operation of a flea is not compatible with the adjacent commercial business and safeguards to protect the area have not been demonstrated.

The motion was seconded by Commissioner Anest.

Chairman Pruet: Do you need a clarification, the motion as presented, if you vote yea, you are accepting the denial of the petition, so I saw some curious looks before the clarification. After a roll call vote, the motion to deny was defeated with one voting Yea (Aieta) and five voting Nay.

Commissioner Pane: Mr. Chairman, the event is on July 25th, our next meeting is July 14th.

Ed Meehan: July 24th and 25th. You meet again on the 14th.

Commissioner Pane: I know that it's not usually the procedure but if we held off on a decision until the 14th, could we ask him whether or not he could still hold the event. In that way, it gives us two more weeks to get additional information through the Town Planner, through this Commission and then we can come to a decision in two weeks. Do you mind if I ask him?

Chairman Pruet: No.

Commissioner Pane: Sir, if we made a decision two weeks from now, would that hamper your event or not?

Rock Aronheim: Absolutely not.

Commissioner Pane: Thank you.

Commissioner Aieta: Mr. Chairman, if we are going to put this off, could we have some correspondence with Ruth Chris that they are talking about the event moving to that site and I want Ruth Chris in here as the applicant.

Ed Meehan: Then you would have to start the public hearing over again.

Commissioner Aieta: You need a letter from Ruth Chris if you are going to use their property. You just can't do it. If you are going to move the event to that piece of property, we need some specific language from Ruth Chris that they are allowing this and they understand the consequences of having the event there and the safety problems and everything else. I just don't want it left up in the air.

Commissioner Pane: Absolutely, I agree. We need a letter, we also need a blueprint of the property to, where he is going to have everything displayed, how he is going to use the Ruth Chris parking lot on a little blueprint for us, go over it with the Town Planner, maybe he can have his employees and the other people who are running the event park at his lot, and that will keep Ruth Chris lot open and the signage, what the signage is going to look like, if he is going to have the, not our town officer, but a special, what is it called Ed?

Ed Meehan: No, it has to be a Newington officer.

Commissioner Pane: Oh, it has to be a Newington officer, but not one that is on duty. An off duty?

Ed Meehan: Yes, they do it in rotation.

Commissioner Pane: Okay, so there would be an officer for that for the two days and some of the other concerns that we all mentioned should all be addressed. That gives the applicant one last opportunity to address all of the concerns, through the Town Planner, so that we can hear it two weeks from now.

Chairman Pruet: Okay, do you understand what we are looking for? If you would get that in as soon as possible to our Town Planner so we have all the information ahead of time so we can make an appropriate decision for our next meeting, July 14th.

Rock Aronheim: Thank you Mr. Pane.

Commissioner Aieta: One last comment I would like to make before we close this, this issue on the Doogie's thing. How are they going to get the food from Doogie's to Ruth Chris without going through the right of way, going the wrong way on the turnpike? This is, there are so many unanswered questions here that you have to be careful as a Commission because from what I understand from his comments in the newspaper this looks like he is going to do this every couple of months.

Commissioner Anest: He said in Waterbury.

Commissioner Aieta: There were a lot more questions raised than were answered tonight.

Commissioner Hall: Right, then in two weeks, three weeks, actually if we don't have the answers then we don't approve it.

VIII. PETITIONS FOR SCHEDUING (TPZ July 14, 2010 and July 28, 2010.)

- A. PETITION 18-10 199 Deming Street, golf driving range property Sphinx Shriners ADONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for re-subdivision PD Zone District. Schedule for July 14, 2010.
- B. PETITION 19-10 199 Deming Street, golf driving range property Sphinx Shriners ADONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for Special Exception Section 3.19.2 Residential Use, 60 Units PD Zone District. Schedule for July 14, 2010.
- C. PETITION 20-10 199 Deming Street, golf driving range property Sphinx Shriners ADONMS 3066 Berlin Turnpike, Newington owners, Alan Bongiovanni, 170 Pane Road Newington, CT applicant request for site plan approval residential development, 60 units, PD Zone District. Inland Wetlands Agency Report Required. Schedule for July 14, 2010.
- D. PETITION 26-10 – 158 Brookside Road Dawn and Daniel Butler 158 Brookside Road, Newington, CT 06111 applicant Daniel Butler owner request for Special Exception, Section 6.13 Accessory Apartment, R-12 Zone District. Schedule for July 14, 2010.

- E. PETITION 27-10 – 44 Fenn Road, Stop and Shop Plaza, Hayes Kaufman Newington Associates, LLC applicant and owners, contact Richard P. Hayes, Jr. 1481 Pleasant Valley Road, Manchester, CT 06042 request for Special Exception, Section 6.2.4 replace existing pylon sign, PD Zone District. Schedule for July 14, 2010.

Ed Meehan: Mr. Chairman, you carried over the Petition for Auto Related Uses, the zone change, so that would be a public hearing. If you want to keep the Morningside on Deming Street, the re-subdivision, that would require a public hearing, those three applications, a site plan and special exception, there's three public hearings, the Auto Related Use, the Re-Subdivision and Special Exception for Morningside. Petition D, 26-10 just came in for an accessory apartment, that could be pushed off to lighten your work load, and I would, the sign is a replacement sign of an existing sign on Fenn Road, you could do that the same night, or push it off.

Chairman Pruet: I recommend Petition D be put off and Petition 27-10 can be handled, that seems pretty basic. Any other comments?

Commissioner Anest: Yes, on the 14th we're going to have a continuation of 13-10, 14-10, they are still open.

Ed Meehan: 14-10 was closed.

Commissioner Anest: Okay, 13-10 is open,

Ed Meehan: And then there are two public hearings for the residential development at the golf range, the re-subdivision which is pretty straight forward and then the more complex special exception for residential use.

Chairman Pruet: I think we can handle them. Any comments? That is my recommendation.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

Chairman Pruet: I have a couple of things to say. Summer vacations are upon us, if you are not going to be able to make the meetings coming up I would appreciate it if you would call me, or notify Ed, so I can make sure that we do have a quorum.

I want to thank Commissioners Lenares, Carragher and Aieta for volunteering to work on a sub-committee meeting to review our regulations. We'll start that I think once we get some of this petitions off, we can start discussing that. We welcome everybody's input on that, for review and it will be brought to the Commission as a whole, the findings.

Commissioner Pane: Mr. Chairman, I'm glad we're looking at the zoning regulations. I'm wondering how the sub-committee is going to work? There are a lot of things that I have, that I'd like to maybe talk about putting in architectural design standards into our regulations, since we had a judge state that we didn't have anything, and then I'd like to look at the in-law apartments, and then there is probably half a dozen other things that I would like to re-look at. But, how is your sub-committee going to work?

Chairman Pruett: They will meet in a public setting here more than likely, times and dates to be figured out. Naturally the Commissioners will submit their recommendations to the sub-committee for review. We would do the work, and then bring it to the regular body for discussion, rather than have a special meeting and bring everybody, like we did before on the ten year plan. We could go that route, but I think this would be more conducive...

Commissioner Pane: So are you actually going to come up with language that you want to present to us or are you just going to bring topics for us.....

Chairman Pruett: Both. Language and topics, it will be an on-going thing. We aren't playing beat the clock, there is no time frame on that, just something that I would like to start and look at.

Commissioner Pane: Okay, thank you.

XI. STAFF REPORT

A. Bond Request Releases

Big Sky Fitness Center, 58 Commerce Court
Cody Plaza, 2551 Berlin Turnpike

Ed Meehan: A couple of things. There should be two motions on the table for these two bonds. It was an oversight for the bond releases for both these projects. I can give you an overview and request your indulgence to approve them. Big Sky Fitness Center finished their paving, the bond was \$26,000. We have had that bond for about five years. They did the final paving course and line striping this past weekend, so that work was done.

Cody Plaza, the bond was reduced last fall, and \$2500 was held for the property owner to finish some landscape plantings as far as some shrubs and trees along the property line with Holiday Inn Express, a couple of small trees out front. That was also done, and that would be a \$2500 reduction and return to Mr. Cody, and a \$26,000 return to the Big Sky Corporation. I'm sorry the motions weren't out there, they should have been, should have been part of your packet.

Commissioner Pane: You'll have them for the next meeting?

Ed Meehan: Yeah, we can do it at the next meeting.

One other item that I'm asking the Commission's assistance with, I received a letter from a consulting engineer at BL Companies. They have a client, they are doing, sounds like various design options for their client, and they have a question, two questions that I want to, I know how I think I would respond but I want the Commission's input on this. It has to do with residential development. We have a regulation 3.7.1, a private road system serving not more than seventy-five dwelling units may permit, may permit with the Commission's approval, but it would have to be thirty feet wide, and if you go more than seventy-five you need two ways, two ways in, two public streets and their question is, is it seventy-five, is that the cutoff, or can the Commission say it can be forty, fifty. The regulations say seventy five, my recommendation, not recommendation, my comment to them was if you propose seventy-six units you need two public roads built to town's standards into the site, so that was one of their questions.

The follow-up question had to do with subdivision design standard which controls the length of a cul-de-sac. The subdivision regulations say your cul-de-sac length cannot be more than 1600 feet. That's for traffic control and not overburdening the people at the outlet end of the cul-de-sac and beyond that, the Commission can waive that, but you only waive it based on the size of the development and the traffic generation. The standard in the subdivision regulations if it's less than 1,000 trips per day, vehicles per day, then the Commission can consider waiving it. The Institute of Traffic Engineers use a standard of ten residential trips per unit, so that is 100 units. If you exceeded more than 100 units there is the probability that you would have more than 1000 trips and my recommendation and probably the Town Engineer's recommendation to the Commission would be going beyond 1600 linear feet is not practical. So that was the other question and the only example that I can offer where we have a long cul-de-sac of almost 1600 is up at Deer Run, the project off of Kitts Lane, Butternut, Nutmeg, those streets which are part of the planned unit development, but because the Town of Wethersfield would not permit a Newington public street to tie into Back Lane, that's how we ended up with such a long cul-de-sac, not quite 1600 linear feet but that is the only example in town where we have a road such as that and that's kind of unusual. So that is the gist of the question. There is always a caveat in these situations that I would remind the Commission of, and we refer plans for residential developments to the Fire Marshal and if the Fire Marshal felt even with forty units, or sixty units the configuration of the development required emergency access, the Commission would have the right, under site plan review and special exception to demand a special emergency access. An example of that is Pulte Homes. The emergency access off of Eagle Drive, where they have one way in, it splits, into a loop and they have the opportunity for gated access from Eagle Drive. So, that's the gist of the letter. If, I guess I want your reaction to, seventy-five units is okay, you go seventy-six, you need two town roads.

Chairman Pruet: Sounds clear to me.

Commissioner Hall: Now who is asking the question?

Ed Meehan: BL Engineers.

Commissioner Aieta: Specific to a site or

Ed Meehan: They referenced their client for Newington Ridge as Toll Brothers, but they don't say they are operating for Toll Brothers now, so that might be a clue. They are doing some sort of alternative design, I believe. The second one, I believe follows the first one. If you go more than 1600 linear feet, you have got to have low trip generation of not more than 1,000 vehicles per day. That just overburdens the guy closest to the public road. All of a sudden, he's got all of his neighbors going by every day, all day long. So I think that one makes sense. So I wanted to advise you of this and get your reaction to it.

Chairman Pruet: I agree with your comments, and seventy-five to seventy-six, that's clear to me. The last one, it's unusual request, but you answered that with the trip counts.

Ed Meehan: They are both measurable standards. I thought they were pretty evident.

Chairman Pruet: Okay, I feel comfortable with how you addressed that.

Ed Meehan: Okay, thank you.

Chairman Pruet: Comments?

Commissioner Pane: Mr. Chairman, I see that we've got a report here, a summary for zoning from our Zoning Enforcement Officer. I quickly reviewed it, I have concerns because Carol mentioned about two weeks ago, about the POD over on Main Street which has graffiti on it, and that is not the first time either that Carol or Michelle have mentioned that.

Ed Meehan: This is from May. I can give you an update on that. The Zoning Officer has met with the property owner, his name is Brad and he was ordered to remove the storage container. He wanted to consider putting a permanent shed there but he's got some hoops to jump through because he is in the flood plain, he's within a hundred feet of a water course and it's not his property, so by the end of the month he'll have it out of there. He was cooperative about this.

Commissioner Pane: Very good. Thank you. There was also, did a little driving around with Commissioner Aieta, and we noticed some signage on Carson's and a few other places on the Berlin Turnpike. We also noticed some heavy signage on Spin Cycle on Fenn Road and none of them are advertising the laundry now. They are all advertising the accessory use. So I think we need to have our Zoning Enforcement Officer double check some of the sites on the turnpike and especially on Fenn Road. Let's see if I can mention some of the others, oh, just recently we approved the fireworks in two locations and maybe I'm mistaken, but I thought we made it clear to them that there would be no little A-frame signs or extra signage. They are setting up the place, they have their tents up, they have ample signage on their tents which we expected I think as a Commission, but they are starting to put these little A-frame signs up which....

Commissioner Aieta: And banners.

Commissioner Pane: Plus banners, extra banners, pennants, stuff like that and the woman, the applicant that came in, said absolutely that she would not have that stuff, so I think we need to make it clear to them that if we see this stuff, they aren't going to get approval next time.

Ed Meehan: We'll get after that. There is another fire works company that has moved into McBride Plaza. They didn't need to come before the Commission because they are occupying a vacant retail space.

Commissioner Pane: We saw that one, and they have just a little banner out there.

Ed Meehan: That's TNT I believe. That is the one that was all over the turnpike last year. They are down in Berlin too.

Commissioner Aieta: Mr. Chairman, on the Spin Cycle thing on Fenn Road, this Commission, I don't know how they did it, but they approved a liquor outlet as an accessory use to a Laundromat whatever the rationale was, I don't know, but at this point it looks like the accessory use is over riding the initial use of the property. They have signs out there for Happy Hour and Special on Drinks, and it looks as if their main business as a Laundromat is taking secondary position to their liquor thing. It looks like they are turning the place into a bar. I don't think that was the intent. I don't know what the intent of the Commission was when they allowed this to go in here, I would have had some reservations, but at this point it looks like it is an enforcement, someone has got to get down there and explain to these people that this is not their main use, their main use is a Laundromat, not a bar. At least talk to them about the signage.

Ed Meehan: They are out of bounds with the signage with their little ground signs, and the place across the street has the pizza slices, but they do have two principal uses there. They have a service use as a Laundromat and a liquor permit, it's a special permit in your regulations. It's not an accessory to anything. It stands by itself. They have a full restaurant liquor permit. The Commission granted it three or four years ago, I guess.

Commissioner Pane: But the intent was, even though they have two things, the intent was that it was a Laundromat and this was an accessory to it, even though maybe technically it is not an accessory.

Ed Meehan: They were limited in their floor plan.

Commissioner Pane: Yeah, they were limited, and the signs that they mounted, they mounted four huge signs to the building, matter of fact, they cut some landscaping down so that people could see these signs that are mounted to the brick building and the six to seven signs are all alcohol related, not laundry related. So they definitely expanded that end and that's not right.

Ed Meehan: We explained to them the twenty day limit and they were served notice and they were provided an application and they haven't returned it yet.

Chairman Pruet: I'd like to make a comment too on the report that we got. I like it, it's clear, precise, some of Carol's comments taken into account there and Art made it understandable and it's easy to read and easy to follow, so commend Art on that report.

Commissioner Aieta: I have a couple of things that I would like Ed to relay to the Zoning Enforcement Officer, things that maybe he could look into before the next time that we meet. The Carson sign and the Fenn road, but also at Merrill's property on the Berlin Turnpike where we had to approve the sign, the pylon sign, extending it for the Dating Service, remember that application? Part of that agreement was that they, and I don't know where it is now, but they have moved into the accessory building and they put up a sign on the top, so I don't know where their signage stands now. I don't think they put up the additional signage on the pylon sign but someone should get back to Merrill and tell him that you know, you are on the edge of what you are allowed for signage, and if you are going to leave that sign on the building, then you can't put the signage on the pylon.

Ed Meehan: We have been talking to them. They have either got to take a sign off the pylon so they can add the dating service sign, or they have to take the sign off the building.

Commissioner Pane: They never put anything on the pylon.

Ed Meehan: Right, but before they put anything on the pylon, I think it is the Coin Exchange that has two signs, they have to, someone has to interchange with the Coin Exchange. They can change the Coin sign to the dating service, or they can take the whole sign off and put a new one on. It's their option, they can take the extra wall signage on one of the sides of the building, they can split it in half.

Commissioner Pane: We suggested that.

Ed Meehan: We found a whole list, when they came in, it's like a Rubik's cube explaining it to these people.

Commissioner Aieta: A couple of other things, because this Commission deals with traffic and safety, I want to bring up, on Pane Road they recently, the town recently, I don't know if it was the town highway department or they contracted out. They put new guard rails on the north side of Pane Road near the intersection of Church Street. Runs from basically what's the street, Progress Court.

Commissioner Pane: There is a thirty foot drop there.

Commissioner Aieta: I don't think they took the guard rails far enough toward Church Street because there is still an area where the drop is not covered. Number two, when they did the job, I don't know how they contracted this out, but they just took the existing guard rails and took them and threw them on the ground there, and never cleaned it up, and they took the holes that they took the old guard rail out, they never filled them, so I talked to the Fire Marshal about it. They didn't leave enough room for the hydrant but the Fire Marshal said it's adequate, it's not the best, but it's adequate. But he had, my concerns are, if there is a fire there, and a fireman goes there to try to hook up to the fire hydrant, he's going to step in one of these holes and break his leg. I mean, if this is the way that the Town is doing their public works, then I have a problem with it, and I don't know who is overseeing, who oversaw this project, if it was the Town Manager, the Town Engineer, but if they paid somebody to do this job, then they got short changed, because they only did half the job.

Ed Meehan: I'll report your concerns.

Commissioner Pane: There's also like tall grass there, they didn't clean up the grass, the curb or anything up there on the property at all and I think, for fire and safety, I think that the area next to the fire hydrant should be reviewed and as long as they are going to have to go back out there, if they have to shorten it up a little bit, the firemen should have ample room next to that, especially in the winter months, they need ample room near that fire hydrant and even though Chris said, well maybe we can get by, I think we should make an adjustment to it so that it is safe for the firemen, and also if there is a drop there, they need to clear a plateau around that fire hydrant, so that whoever is working around that fire hydrant is safe and they can't fall off the other end. There was also, the existing guard rail that was there went farther up Pane Road towards Church and they started the new one lower down. Now the section up closer to Church Street intersection is the most critical area because that is the one that has the highest drop off, thirty, forty, feet. The one down toward the end of Pane Road, or toward Progress Circle is not as critical because the drop off is less, whoever was doing the job.

Ed Meehan: I'll check that out.

Commissioner Pane: They even left pallets over there that they were working on. They left all the trash there, everything, the guard rails, the pallets, the wire.

XII. ADJOURNMENT

Commissioner Hall moved to adjourn the meeting. The motion was seconded by Commissioner Camerota. The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary

